

CHAPTER 1. GENERAL INFORMATION

810:1-1-3. General description of the Oklahoma Workers' Compensation Commission

(a) **History.** The Oklahoma Workers' Compensation Commission was created pursuant to legislation enacted in 2013 and is responsible for administration of the Administrative Workers' Compensation Act, 85A O.S. § 1, et seq., except as otherwise provided by law.

(b) **Composition.** The Commission is comprised of three members who are appointed by the Governor and confirmed by the Senate for staggered terms. The initial appointments are for two (2), four (4) and six (6) years respectively, as determined by the Governor. Subsequent terms are for six (6) years. One of the initial appointments must be from a list of three (3) nominees selected by the Speaker of the Oklahoma House of Representatives. The Chair of the Commission is appointed by the Governor from among the Commission members. The Chair organizes, directs, and develops administrative work, employs administrative staff within budgetary limitations, and performs other duties authorized by law or prescribed by the Commission. The Commission appoints an administrator who is the administrative officer of the Commission and manages the activities of its employees and performs other duties prescribed by the Chair or Commission. The title of the administrative officer shall be Executive Director. The Commission may appoint as many Administrative Law Judges and other personnel as necessary within budgetary limitations to effectuate the AWCA.

(c) **Duties.** It is the Commission's responsibility to apply the law as set out in the AWCA. The Commission has adjudicative, administrative and regulatory functions. Those functions include providing fair and timely procedures for the resolution of workers' compensation disputes; monitoring claims and benefit payments to injured workers, processing settlements and requests for changes in physicians; ensuring that employers maintain required insurance coverage; processing Affidavits of Exempt Status and Cancellations of Affidavits of Exempt Status; ~~and~~ approving applications of employers to act as self-insurers; processing and approving applications related to independent physicians, mediators and case managers; developing and maintaining a workers' compensation fee schedule; providing legal information and assistance to interested persons who have questions concerning the Oklahoma workers' compensation law; establishing an assessment rate pursuant to Section 31 of the AWCA, rounded to the nearest hundredth percent when the rate is less than the statutory cap; and participating in programs to explain the law and functions of the Commission to the general public.

(d) **Main offices of Commission.** The main offices of the Commission are located at: Denver Davison Building, 1915 North Stiles Avenue, Oklahoma City, Oklahoma 73105.

810:1-1-4. Petitions to promulgate, amend or repeal rules

(a) Individuals or organizations who wish to petition the Commission to promulgate, amend or repeal a rule must submit a written request to the Executive Director, ~~1915 North Stiles Avenue, Oklahoma City, Oklahoma 73105~~ by mail or email. The request must include:

- (1) A statement in support of the proposal made. The supporting statement should refer to the statutory basis for the proposal, ~~and~~ include any specific objections to existing rules or practices, and set forth the policy considerations which support adoption of the proposal;
- (2) The name, email address, mailing address, and telephone number of the person making the request;
- (3) The name, email address, mailing address, and telephone number of the agency or organization the person represents, if any;
- (4) The administrative rule citation ~~number used to identify the rule~~ if the request is to amend or repeal an existing rule; and
- (5) The proposed language, if the request is to amend an existing rule or adopt a new rule.

(b) The Executive Director or the Executive Director's designee will present such petition at the next regularly scheduled meeting of the Commission for consideration and disposition. The petitioner shall be given reasonable notice of the date, time and place of such meeting, and shall be informed in writing within a reasonable period of time of the Commission's ruling in the matter.

810:1-1-5. Petition for declaratory ruling relating to rules

(a) Whenever any person has an actual controversy over the applicability of a specific rule in this Title, that person may petition the Commission for a declaratory ruling as to the applicability of the rule and its effect on the petitioner. In petitioning the Commission for a declaratory ruling, the following procedures must be followed:

- (1) The petition must be in writing and submitted to the Executive Director, ~~1915 North Stiles Avenue, Oklahoma City, Oklahoma 73105;~~
- (2) ~~The petition shall state with specificity the rule in question~~ by mail or email;
- (3) The petition shall state clearly and with specificity the basis for the action and the action or relief sought;
- (4) The petition shall pose the specific question(s) to be answered by the Commission;
- (5) The petitioner must allege that an actual controversy exists over the applicability of the rule and must state with specificity the nature of the controversy;
- (6) The petitioner must have an interest which is directly affected by the rule in which a ruling is requested and must plainly state that interest in the petition;

- (7) The petition must be accompanied by a memorandum setting forth all relevant facts and law in support thereof; and
- (8) The petitioner or the petitioner's authorized representative shall print his or her name, mailing and email addresses, and telephone number on the petition and sign it.
- (b) On receipt of the petition, the Commission may:
- (1) conduct such hearing, investigation, or inquiry as it deems proper;
 - (2) issue a written ruling; or
 - (3) decline to make a ruling when:
 - (A) The Commission lacks jurisdiction over the issue or issues presented;
 - (B) There is no actual controversy;
 - (C) The petitioner would not be directly affected by a resolution of the issue presented;
 - (D) The petitioner does not provide sufficient facts or other information on which the Commission may base a ruling;
 - (E) The issue on which a determination is sought is or should be the subject of other administrative or civil litigation or appeal; or
 - (F) It appears to the Commission that there is other good cause why a declaratory ruling should not be made.
- (c) The petitioner shall be informed in writing within a reasonable period of time of the Commission's disposition of the matter.